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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/770,641	01/29/2001	Nils B. Lahr	39510A	6752

22206 7590 06/17/2004

FELLERS SNIDER BLANKENSHIP
BAILEY & TIPPENS
THE KENNEDY BUILDING
321 SOUTH BOSTON SUITE 800
TULSA, OK 74103-3318

EXAMINER

MEUCCI, MICHAEL D

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 06/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/770,641

Applicant(s)

LAHR ET AL.

Examiner

Michael D Meucci

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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Detailed Action

Specification

1. The disclosure is objected to because of the following informalities:

a. The title of the invention is objected to because the title specifies a "method and system," while only a method is claimed. Appropriate correction is required.

b. Specification designates "lower modules or programs" as item 29, and "upper modules" as item 29 (page 6, paragraph [0024] of specification), and "modules" or "analyzer modules" as item 29 throughout the specification. Corrections are needed such that the different items should have different reference identification or item numbers (i.e., Mode1 analyzer modules should have a different reference identification or item number than Mode2 analyzer modules; analyzer modules on different levels should have different reference identification or item numbers, and so forth).

Appropriate correction to the specification is required.

c. Specification designates "system 10 deploys the servers in a tiered hierarchy distribution network indicated generally at 12" (page 7, paragraph [0029]). Item 12 is referenced elsewhere in the specification as well. Item 12 is not shown in any of the drawings. Items referenced in the specification must be shown in the drawings.

Appropriate correction to the specification and/or drawings is required.

d. Specification designates "terrestrial network 33" (page 9, paragraph [0031]). Item 33 is not shown in any of the drawings. Items referenced in the specification must be shown in the drawings. Appropriate correction to the specification and/or drawings is required.

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e. Specification designates "WMS server 52" (page 10, paragraph [0034]). In reference to Figure 3, item 52 is shown as "WMT." Correction of inconsistency therein is required.

Drawings

2. The drawings in this application are objected to because Figure 1 does not meet requirements set forth in the specification. Figure 1 depicts access module 27 using "unicast/multicast broadcasting using TCP or UDP". Examiner believes applicant meant to specify "using TCP or UDP." A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings in this application are objected to because Figures 1, 5, 6, and 8 do not meet requirements set forth in the specification. Specification designates "lower modules or programs" as item 29, and "upper modules" as item 29 (page 6, paragraph [0024] of specification). Drawings are objected to because of the specification reference listed above. ." A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 rejected under 35 U.S.C. 102(e) as being anticipated by Bankier et al (US 6,567,814) hereinafter referred to as Bankier.

Bankier teaches a plurality of components (lines 36-38 of column 31); collecting information (lines 34-35 of column 31); modules in a parent-child relationship (lines 8-16 of column 8, and FIG 3.); sending information from child to parent (lines 8-16 of column 8, and FIG 3.); aggregating information from child at the parent (lines 8-16 of column 8, and FIG 3, Item 50); and transmitting aggregated information to a parent of the aforementioned parent (line 8-16 of column 8, and FIG 3.);

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Agrawal et al. (US 6,567,814 B1) discloses mining with item constraints.

Zhang (US 5,590,116) discloses parallel communication.

Wagstaff et al. (US 6,629,095 B1) discloses data mining.

Anderson et al. (US 5,850,388) discloses network-monitoring protocol.

Day et al. (US 5,941,951) discloses real-time delivery in client/server system.

Singh et al. (US 5,983,224) discloses K-means data clustering.

Sharma et al. (US 5,222,062) discloses data mining (data concentrator detection)

Garofalakis et al. (US 6,473,757 B1) discloses sequential pattern mining.

Kulatunge et al. (US 6,353,902 B1) discloses fault prediction.

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Weinberg et al. (US 5,974,572) discloses generating load test from access log.

Rivette et al. (US 6,339,767 B1) discloses group-oriented data processing.

Cessna et al. (US 6,510,420 B1) discloses dynamic hierarchical grouping.

Petculescu et al. (US 6,493,718 B1) discloses adaptive caching and retrieval.

Marusak (US 6,470,335 B1) discloses complex data filters.

Blott et al. (US 6,449,618 B1) discloses real-time processing.

Hirasawa (US 6,473,797 B2) discloses device detection.

Carpenter (US 6,199,068 B1) discloses data classification.

Malkin et al (US 6,085,193) discloses dynamic pre-fetching via server hierarchy.

Kasravi et al. (US 5,933,818) discloses autonomous knowledge discovery.

Hedberg discloses parallel data mining.

Border Gateway Protocol (BGP) discloses tree structured routing.

Tiwana discloses Ascent software for data mining including tree construction.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Meucci at (703) 305-1382. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey, can be reached at (703) 305-9705. The fax phone number for this Group is (703) 308-5358.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.meucci@uspto.gov].

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All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Group receptionist whose telephone number is (703) 305-3900.


JACK B. HARVEY
SUPERVISORY PATENT EXAMINER